THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

Writ Petition No.3675 of 2001

ORDER:

1 This petition is filed seeking a declaration to the respondents to release the amount pending with the fourth respondent Bank along with interest.

2 The case of the petitioner is that he started a small scale industry in 1968 under the name and style of M/s. Venkateswara Containers Limited and introduced scheme of establishing bio gas plants which can be run with cow dung and agricultural wastes etc and had erected nearly 40 bio gas plants in East Godavari District in various places and some of the beneficiaries had dismantled their units and sold them away to others. On that ground i.e. beneficiaries selling away their units, an amount of Rs.89,010/- which is due to him and is deposited with the fourth respondent, is not being paid to him in spite of several demands, so he filed this writ petition seeking a direction to the fourth respondent to pay the amount due to him.

3 Though the Writ Petition is filed in 2001, no counter affidavit is filed by any of the respondents till today.

4 The contention of the learned counsel for the petitioner is that inasmuch as the report of the District Manager NEDCAP in DM/NEDCAP/KKD/89-90/BANK GUARANTEE, dated 10.05.1989 shows that an amount of Rs.89,010/- has to be released to the petitioner and as that amount is not being paid to the petitioner in spite of several representations made by the petitioner, and as the petitioner is not responsible for the dismantling of the units by the beneficiaries, a direction may be given to the respondents to release the amount due to the petitioner. The contention of the learned Government Pleader is that this petition filed at a belated stage of more than 10 years is clearly barred by time and so the petitioner is not entitled to any relief.

5 Petitioner, admittedly, is entitled to Rs.89,010/- as disclosed from the report of the Task Force Committee dated 10.05.1989. That

amount is kept in deposit with the fourth respondent. Petitioner has been making several representations to release the amount but that amount is not being paid to him. As the reasons for the fourth respondent not paying the amount to the petitioner are not explained, petitioner cannot be denied the payment due to him merely because of his filing this petition at a belated stage.

6 So the Writ Petition is allowed with costs and the fourth respondent is directed to pay Rs.89,010/- to the petitioner with interest at 6% p.a. from the date of filing the petition till date of deposit, within a period of one month from today.

Justice C.Y.Somayajulu

11-10-2007

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